



**COMMANDER, U.S. PACIFIC COMMAND
(USPACOM)
CAMP H.M. SMITH, HAWAII 96861-4028**

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USPACOM INSTRUCTION 0201.1

Subj: PERSONNEL ADMINISTRATION FOR U.S. FORCES FOREIGN NATIONAL
(FN) CIVILIAN EMPLOYEES IN U.S. PACIFIC COMMAND (USPACOM)
FOREIGN AREAS

Ref: (a) DOD Manual 1400.25-M, Subchapter 1231 (Employment of
Foreign Nationals) of 12 Jan 98
(b) DOD Manual 1416.8-M (Department of Defense Manual for
Foreign National Compensation) of Dec 90
(c) DOD Manual 1400.25-M, Subchapter 1251 (Compensation
of Foreign Nationals) of 12 Jan 98
(d) Foreign Service Act of 1980, Section 408, of
17 Oct 80, 22 US Code 3901, et seq.

1. Purpose. This instruction prescribes policy for the utilization and administration of Foreign National (FN) civilian employees in U.S. Pacific Command (USPACOM) foreign areas; designates certain commanders with responsibility for development, coordination and approval of personnel administration policies, compensation schedules, and conditions of employment; and provides for the organization and operation of the USPACOM Joint Labor Policy Council (JLPC) and area Joint Labor Affairs Committees (JLACs). This instruction is reissued to incorporate established USPACOM policy that in the event of a labor strike, a "no work, no pay" policy is to be observed, and also to revise organizational titles.

2. Cancellation. USCINCPACINST 12200.3F.

3. Applicability. Under reference (a) authorities, this instruction applies to the administration of all FN appropriated and non-appropriated fund employees of Department of Defense (DOD) agencies and instrumentalities operating in foreign areas within the USPACOM area of responsibility (AOR). Exceptions are the civilian Marine Service of the Military Sealift Command and those in designated units of DOD authorized to use the Department of State (DOS) Joint Compensation Plan for Local Employees (Appendix A of reference (b)).

4. Definitions

a. Foreign National (FN) - A non-U.S. citizen employed by the U.S. Forces within the USPACOM (AOR). The definitions in

24 Aug 05

subparagraphs 4b through 4e are incorporated in the overall Foreign National definition.

b. Local National (LN) - An employee who is a citizen or non-citizen permanent resident of the host country in which he/she is employed by the U.S. Forces (USF) as a direct or indirect hire.

c. Third Country National (TCN) - A non-U.S. citizen employee who is not a citizen or permanent resident of the host country in which employed by the USF and is brought into that country for the primary purpose of USF employment.

d. Direct Hire Employee - An employee who is hired and administered directly by the USF as an employee of an agency or instrumentality of the United States Government (USG).

e. Indirect Hire Employee - An employee who for specified purposes is considered to be an employee of the host government but whose labor services are utilized by, and who is under the operational control of, the USF under a system mutually agreed to by the host government and the USF.

5. Personnel Policy. The personnel policy of the Commander, USPACOM, with respect to the utilization and administration of FNs employed by the USF, either on a direct or an indirect hire basis, is as follows:

a. Per reference (a), LNs will be utilized as extensively as practicable, consistent with any agreement with the host country and the DOD dependent hire policies, and specifically to reduce the need to import employees into the host country. TCNs will not be hired or retained, except when LNs are not available in the skills and numbers required, and it is not feasible to employ U.S. citizens in the required skills and numbers.

b. Terms and conditions of employment will be per the provisions of controlling treaties and agreements and references (a) and (c); they will be favorable enough to meet existing fair standards in the labor market but not so advantageous as to create a "privileged group" within the country.

c. Per reference (b), wage and fringe benefit surveys will normally be utilized in each country to determine prevailing wage rates and compensation practices and will serve as a basis for establishing USF wage schedules and benefit authorizations. FN compensation will be established consistent with references (b) through (d).

d. Within any one country/area, USF personnel and pay policies will apply uniformly to all agencies and instrumentalities of the USF.

e. Where duties, responsibilities, working conditions, and qualifications required are the same, FN employees will be provided equal compensation treatment whether their positions are supported from appropriated or non-appropriated funds.

f. FNs subjected to reduction in force will be provided assistance in seeking alternative employment opportunities within and, as necessary, outside the USF. Procedures will be established within each country or area for such assistance to include, where possible, involvement of host country officials and employment service organizations.

g. In the event of a labor strike, the policy of "no work, no pay" is to be observed. This does not preclude other actions which management may elect to undertake within the context of governing labor agreements, e.g., disciplinary action against the strike leaders, withdrawal of union recognition, withholding union dues, and soliciting host government assistance in ending the strike.

6. Authorities. USPACOM Service Component Commanders have been delegated authority by reference (a) to jointly establish salaries, wages, fringe benefits, related compensation items, and other terms and conditions of employment for FN employees in USPACOM foreign areas.

7. Responsibilities

a. Within the framework of policy set forth in reference (a) and paragraph 5 of this instruction, USPACOM, USPACOM Service Component Commanders and Subordinate Unified Commanders/U.S. Defense Representatives (USDRs) are assigned the following responsibilities for development, joint-Service coordination and approval of FN personnel policies, compensation, and conditions of employment in USPACOM foreign geographic areas as follows:

(1) General. USPACOM Service Component Commanders will review and approve changes to FN wages and benefits and other terms and conditions of employment. USPACOM Service Component Commanders will ensure FN compensation issuances are appropriate and consistent with references (a) through (d) legal and regulatory requirements. Proposals initiated by USPACOM Service Component Commanders to change FN compensation and other terms of employment will be forwarded to USPACOM for joint-Service coordination and action and will include a review by the initiating USPACOM Service Component Command of legal,

regulatory, and budgetary considerations along with recommended changes.

(2) Direct Hire. The Subordinate Unified Commander/USDR, following coordination with and agreement by the other In-country Service Component Commanders, will plan and conduct any required locality wage and benefit surveys and develop and forward recommended USF wage schedules, benefit adjustments, and other conditions of employment to USPACOM for coordination, review and approval by USPACOM Service Component Commanders.

(3) Indirect Hire. The Subordinate Unified Commander/USDR is the responsible commander for the following:

(a) Will ensure interservice coordination of FN personnel policy matters, develop and implement necessary changes to the indirect hire employment system, and negotiate such changes with government agencies of the host country following appropriate coordination with the American Embassy and USPACOM. At least 30 days prior to initiating major change negotiations with the host country, USPACOM will be notified of particulars and plans, with information to USPACOM Service Component Commanders and Headquarters Army-Air Force Exchange Service Pacific Rim Region (AAFES-PACRIM).

(b) For Japan, the following additional guidelines for labor cost sharing (LCS) apply: Commander, U.S. Forces, Japan (COMUSJAPAN) is the responsible commander to manage Japanese FN LCS distribution. This authority includes apportioning Government of Japan (GOJ)-supplied labor resources among components. Component Commanders are responsible for determining distribution of Japanese National (JN) labor within their respective components. Component Commanders should use alternate labor sources to meet mission requirements, including contract services as well as U.S. dependent or U.S. civilian employment. Component Commanders should view each attrition as an opportunity to cross-level LCS from a lower priority mission area to a higher one within their component. COMUSJAPAN can shift vacancies among components as attrition occurs.

b. USPACOM issues USF wage schedules, benefit authorizations and other conditions of employment coordinated and approved by USPACOM Service Component Commanders; and refers unresolved USPACOM Service component differences and other matters of major significance to the Office of the Secretary of Defense (OSD) for decision per reference (a).

c. Commander, U.S. Pacific Fleet (COMPACFLT) is assigned primary responsibility for development, interservice coordination, and issuance of TCN personnel administration

policies, wage schedules and benefit authorizations, and conditions of employment. Compensation will be established consistent with requirements of references (b) through (d). This responsibility is extended to include second country nationals, also known as non-immigrant alien (NIA) employees of the USF.

d. In the event FN compensation practices of USF activities in a country area are not uniform, and the senior USF representative in that country is signatory to a DOS Joint Compensation Plan for local employees, that representative shall be responsible to gain compliance with the Joint Compensation Plan for all USF FN employees whether paid from appropriated or non-appropriated funds. The USPACOM Service component representing the Service organization with the non-uniform practice will, on a coordinated basis, monitor and provide the technical guidance until uniformity is achieved.

e. The Subordinate Unified Commander or USDR in each geographical area of USPACOM will:

(1) Coordinate the development of labor provisions in status of forces or other major country-to-country agreements and forward recommendations on such matters to USPACOM.

(2) Represent the USF position in formal discussions with U.S. embassies and, as assigned, with host governments.

(3) Ensure coordination among USF activities, and other USG agencies as appropriate, on negotiations with employee unions, on wage and other surveys, on recommendations for schedules of compensation and conditions of employment, and on development of FN personnel policies.

(4) Forward Service-coordinated recommendations for wage and other survey plans, wage schedules, benefits adjustments, of compensation, conditions of employment, proposed labor-management agreements, other FN personnel policies or any unresolved issues to Headquarters USPACOM for USPACOM Service Component Commanders' review and approval.

8. Joint Council/Committees

a. The USPACOM JLPC is established to exercise the policy making authorities delegated and directed by reference (a). The JLPC operates under and is responsible to USPACOM. It serves as the medium through which USPACOM Service component commanders review and approve uniform personnel policies, wage schedules, benefit authorizations, and other terms and conditions of employment in designated country areas. The JLPC is composed of five members (the four Service voting members and the USPACOM

24 Aug 05

policy advisor member): There are three appointed Service representatives from Pacific Fleet (PACFLT), Pacific Air Forces (PACAF), and U.S. Army Pacific (USARPAC), who each are authorized to commit their component on all FN employment policy matters and who have signature authority to approve and validate wage schedules and benefit authorizations, and one appointed Service representative from Marine Forces Pacific (MARFORPAC), who is authorized to vote only on Japanese FN labor matters. In addition, Commander, AAFES-PACRIM, may appoint a representative to serve as a non-voting associate member. Normally, the representative of each command will be the Director of Civilian Personnel or Human Resources.

(1) The USPACOM representative serves as chair and policy advisor to the JLPC. As chair, USPACOM provides administrative support in preparation for and conduct of meetings, coordinates actions with the JLPC requiring USPACOM Service component commands' review and approval, and prepares and distributes the official record of JLPC proceedings. Changes in component membership appointments will be reported to USPACOM.

(2) The JLPC will establish subcommittees and internal operating procedures as required. Representation on subcommittees will be from the same organizations cited in paragraph 8a.

(3) JLPC decisions or actions taken, whether by meeting or other more expedient coordination measures, will include representatives of the organizations cited in paragraph 8a.

(4) Per references (b) and (c), the DOD Civilian Personnel Management Service (CPMS) has technical oversight and monitors the FN compensation program. The JLPC Chair will submit survey reports and proposed wage and benefit adjustments to the CPMS for technical review.

(5) The JLPC Chair will refer issues that cannot be resolved by the JLPC members to the Assistant Secretary of Defense for Force Management Policy (ASD(FMP)) per reference (a).

b. An area JLAC will be established by the subordinate unified commander or USDR for countries/foreign areas where two or more of the Services employ FNs. The JLAC will serve as the medium through which In-country Service component commanders coordinate the development of FN personnel policies, coordinate the plans for implementing approved policies, coordinate negotiations with employee unions, coordinate plans for wage and other surveys, recommend compensation schedules and conditions of employment, and otherwise coordinate the administration of a uniform personnel system within the country or area. Each JLAC

will operate under and be responsible to the Subordinate Unified Commander or USDR.

(1) Command participation will be determined by In-country Service Component Commanders, but voting membership will be limited to no more than one from each Service component that employs FNs in that country/foreign area. The Area Exchange Commander/General Manager of AAFES area exchanges will appoint an associate member (non-voting) in country/areas where AAFES has area exchanges. Normally, the Service members will be the Civilian Personnel/Human Resources Directors of their respective In-country commands.

(2) The Subordinate Unified Commander or USDR will designate the Chair of the JLAC. If he does not designate a representative from his staff as Chair, he will designate his representative as executive secretary or advisor to the JLAC.

(3) The JLAC will establish subcommittees and internal operating procedures as required.

(4) In the JLAC's coordination of negotiations with employee unions, negotiations shall not extend to such areas of discretion and policy as mission, budget, security, organization and assignment of personnel, the technology of performing work, or schedules of compensation, except to the extent provided by treaty, other intergovernmental agreement, or directive of higher authority.

(5) The JLAC will refer any unresolved In-country Service differences to USPACOM who will seek to resolve the differences and achieve a unified JLPC position.

c. USPACOM and the joint committees will afford full consideration to the participation of other parties, such as allied forces and/or USG departments or agencies, wherever appropriate, in achieving a unified position to preclude unilateral USF action inconsistent with controlling treaties, other intergovernmental agreements, or directives of higher authority.

9. Reporting and Communications. Reports control symbols (RCS) to be used are identified parenthetically at the end of the appropriate subparagraph.

a. Subordinate Unified Commanders or USDRs will furnish the following, as a minimum, to USPACOM, with an information copy to USPACOM Service Component Commanders; Commander, AAFES-PACRIM; and concerned Commanders in the country area:

(1) Recommended compensation schedules, benefits, and conditions of employment (except indirect hire system countries).

(2) Reports of wage and benefit adjustments (DOD RCS DD-FM&P(A) 1571).

(3) Minutes of JLAC meetings and associated joint-Services deliberations (USPACOM RCS 12200.3).

(4) Information, by electronic means, of any actual or potential labor problem or work stoppage of significance. Periodic status reports will be provided until the matter is resolved (USPACOM RCS 12200.3).

(5) Minutes of meetings, reports, and other materials, not requiring more timely submission, will be furnished within 30 calendar days of the meeting or event.

b. Subordinate Unified Commanders or USDRs will assure that policy decisions received and made under these authorities are published and distributed to all USF activities to which applicable.

c. In addition to the materials required by paragraph 9a, COMUSJAPAN will furnish the same addressees as listed in paragraph 9a with compensation schedules and changes in conditions of indirect hire employment approved within delegated authorities (USPACOM RCS 12200.3).

d. USPACOM JLPC policy decisions and other USPACOM Service component coordinated communications or instructions pertaining to FN personnel matters in a given country area will be conveyed by USPACOM to the Subordinate Unified Commander or USDR, with information copies to other addressees mentioned in paragraph 9a. Also, the responsible Commander will keep USPACOM, the other Service Component Commanders, and other addressees cited in paragraph 9a, informed on a current basis of labor matters which affect the USF (USPACOM RCS 12200.3).

e. USPACOM will forward to ASD(FMP) and the Military Departments reports of wage and benefits adjustments and other significant actions and also forward official records of JLPC meetings as required by references (a) and (b).

f. Commanders or representatives at all levels who recommend or take actions of joint-Service interest will ensure all interested Commanders, both at the USPACOM level and in the geographical area, are kept informed of these actions and related labor-management matters. Communications will reflect the degree of coordination effected with Service Commanders, Unified or

Subordinate Unified Commanders or USDRs, U.S. embassies, and other USG agencies, as appropriate, for the action.

10. Action. Provisions and policies of this instruction are effective upon the date of issuance.



W. V. ALFORD, JR.
Rear Admiral, USN
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